IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 28264 of 2005(M)

PETITIONER:

K.SRIKRISHNA AGGITHAYA,
HIGH SCHOOL ASSISTANT (MATHS),
GOVT. HIGHER SECONDARY SCHOOL,
HOSDURG, P.O.KANHANGAD.

BY ADV. SRI.K.SHRIHARI RAO
SMT.N.SHOBHA

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KASARAGOD.

3. THE PRINCIPAL,
GOVT. HIGHER SECONDARY SCHOOL,
HOSDURG, KANHANGAD.

4.* ACCOUNTANT GENERAL (A&E),
THIRUVANANTHAPURAM

BY GOVERNMENT PLEADER SRI. P. A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

*ADDITIONAL R4 IMPLEADED AS PER THE ORDER DATED 11.8.2006 IN I.A.11145/2006.

WP(C).No. 28264 of 2005(M)

ORDER ON I.A.2933/2006 AND I.A.86/2007 IN W.P.(C).NO.28264/2005.

DISMISSED.

20.3.2007 SD/- J.B.KOSHY, JUDGE.
SD/- T.R.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE AUDIT OBJECTION OF THE 2ND RESPONDENT ADDRESSED TO THE 3RD RESPONDENT DATED 21.3.2001.

EXT.P2: COPY OF THE AUDIT OBJECTION OF THE ACCOUNTANT GENERAL TO THE 3RD RESPONDENT DATED 6.7.2004.

EXT.P3: COPY OF THE REPRESENTATION OF THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 1.1.2005.

EXT.P4: COPY OF THE JUDGMENT DATED 10.3.2005 IN W.P.(C).8054/2005 OF THIS HON'BLE COURT.

EXT.P5: COPY OF THE JUDGMENT DATED 17.11.03 IN O.P.NO.24702/2003 OF THIS HON'BLE COURT.

EXT.P6: COPY OF THE ARGUMENT NOTES SUBMITTED BEFORE THE 1ST RESPONDENT ON 25.8.2005.

EXT.P7: COPY OF THE G.O.(RT) NO.4359/2005/G.EDN DATED 3.9.2005 OF THE 1ST RESPONDENT.

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BKN // TRUE COPY//

P.A. TO JUDGE.

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.28264 OF 2005

Dated this the 20th day of March, 2007.

JUDGMENT

Koshy, J.

Petitioner approached this court when due to audit object, respondents informed that he is not entitled to count the aided school service from 11.1.1980 to 24.21981, for the purpose of fitment benefits on the basis of pay revision of G.O.(P) 3000/98 dated 25.11.98. Similar question was considered by a Division Bench of this court and by common order dated 15.12.2007 in O.P.No.3365/03 and connected cases, held that such service is not liable to be counted. Therefore petitioner is not entitled to the above benefit. It is stated that the petitioner was not given increments from 2001 onwards. His increment etc. should be calculated accordingly after deducting the excess pay received, or if any balance is payable is to be paid to him within three months from the date of receipt of a copy of this judgment. Therefore his salary and fitments benefits are to be calculated without taking into aided school service from 11.1.1980 to 24.2.1981.

We dispose the Writ Petition accordingly.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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